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RESERVATION EXCLUSIVELY FOR PEACEFUL PURPOSES OF THE SEA-BED
AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE
HIGH SEAS BEYOND THE LIMITS OF PRESENT NATIONAL JURISDICTION
AND USE OF THEIR RESOURCES IN THE INTEREST OF MANKIND, AND
CONVENING OF A CONFERENCE ON THE LAW OF THE SEA

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1973

Administrative and financial implications of draft resolutions A, B
and C recommended by the First Committee (A/8949, para. 32)

Report of the Fifth Committee

Rapporteur: Mr. Oleg PASHKEVICH (Byelorussian Soviet Socialist Republic)

1. At its 1552nd meeting, on 14 December 1972, the Fifth Committee, in compliance with rule 155 of the rules of procedure of the General Assembly, considered the statements of the Secretary-General (A/C.5/1496, A/C.5/1497 and A/C.5/1499) on the administrative and financial implications of draft resolutions A, B and C, respectively, recommended by the First Committee in its report (A/8949, para. 32), and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/8708/Add.25).

I. DRAFT RESOLUTION A

2. Under draft resolution A, the General Assembly would:

(a) Request the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to hold two further sessions in 1973, one of five weeks at New York beginning in early March, and the other of eight weeks at Geneva beginning in early July;

(b) Request the Secretary-General to convene the first session of the third United Nations Conference on the Law of the Sea at New York for a period of approximately two weeks in November/December 1973;

(c) Decide to convene the second session of the Conference, for the purpose of dealing with substantive work, at Santiago, Chile in April/May 1974, for a period of eight weeks; and

(d) Authorize the Secretary-General, in consultation with the Chairman of the Committee, to make such arrangements as may be necessary for the efficient organization and administration of the Conference and the Committee, utilizing to the fullest extent possible the resources of staff at his disposal, to render to the Conference and the Committee all the assistance they may require in legal, economic, technical and scientific matters and to provide them with all relevant documentation of the United Nations, the specialized agencies and the International Atomic Energy Agency.

3. In his statement (A/C.5/1496), the Secretary-General indicated, with regard to the New York session of the Committee, that additional costs estimated at \$8,000 would arise as a result of the decision to reschedule the session from the period 26 February to 30 March 1973 to the period from 5 March to 6 April 1973. This sum would be required for the recruitment of two teams of free-lance interpreters during the week from 2 to 6 April, when the regular staff would be completely committed to service meetings of other bodies already scheduled.

4. With regard to the Geneva session of the Committee, the Secretary-General indicated that additional financial resources amounting to \$549,200 would be required for the provision of the necessary services, including summary records, as well as for the travel and subsistence of Chinese language staff and substantive staff to be detailed from Headquarters.

5. With respect to the first session of the Conference that would be convened at New York during November and December 1973, the Secretary-General pointed out that, due to the requirements of the General Assembly, which would be in session at that time, the Conference could only be accommodated at New York if the General Assembly were to schedule its work so as to take into account the requirements of the Conference. On that understanding, no additional financial requirements would arise. In estimating the tentative costs of the second (1974) session of

the Conference, the Secretary-General recalled the understanding reached by the First Committee at its 1911th meeting, on 5 December 1972, to the effect that the costs to be absorbed by the Government of the host country would represent the difference between holding the Conference in Santiago and holding it at Geneva, where it would normally have taken place. Accordingly, the Secretary-General's estimates were based on the costs, at current rates, of holding the Conference at Geneva, and amounted to \$818,200 for the recruitment of the necessary conference servicing staff, miscellaneous and reproduction supplies and the travel and subsistence of both Chinese language and substantive staff that would be detailed from Headquarters. Additionally, the Secretary-General estimated at \$265,000 the costs of printing the documents of the Conference.

6. In connexion with other organizational arrangements, the Secretary-General indicated that, in view of the length of the sessions of the Committee proposed for 1973 and bearing in mind the importance of the preparatory work related to the Conference, he considered it necessary to provide for the continued availability for these meetings of a special representative of the Secretary-General, who would lead the Secretariat staff concerned in the preparatory work and in the servicing of the Conference. The Secretary-General estimated the related costs, including provision for an administrative assistant and a secretary to the special representative, at \$40,000 in 1973. The Secretary-General further indicated that a provision of \$25,000 would be required in 1973 for consultant services in those areas where such assistance could not be provided from existing Secretariat resources. The costs to be incurred for these purposes in 1974 would be submitted to the General Assembly at its twenty-eighth session.

7. Summarizing the estimated requirements, the Secretary-General stated that, in 1973, additional appropriations totalling \$622,000 would be required, as detailed in paragraphs 3, 4 and 6 above. With regard to 1974, the potential costs were tentatively estimated at a total of \$1,148,200 comprising \$1,083,200 related to the second session of the Conference, as per paragraph 5 above, and \$65,000 for the continuing expenses related to the special representative and his staff and for consultant services, assuming the same level of magnitude as for 1973. The level of the 1974 estimates was considered by the Secretary-General to be tentative, so that a more precise estimate would be submitted in connexion with the 1974/1975 programme and budget estimates.

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8. In its report (A/8708/Add.25, paras. 4 and 12), the Advisory Committee on Administrative and Budgetary Questions indicated that it concurred in the Secretary-General's estimates of \$8,000 related to the spring session of the Committee, \$40,000 related to the appointment of a special representative and his staff, and \$25,000 for consultant services. With regard to the summer session of the Committee and its related costs, the Advisory Committee pointed out that, were it to be held in New York, as specified in the addendum to the report by the Secretary-General on the pattern of conferences (A/8790/Add.1, annex I, part I), it could be serviced from within the existing establishment at no additional cost to the United Nations. The Advisory Committee further indicated that the First Committee's attention did not seem to have been drawn to these facts and that, had that information been provided to the First Committee, it was doubtful that the decision to hold the summer session of the Committee at Geneva would have been subscribed to unanimously, particularly bearing in mind the acute financial difficulties of the Organization and the stringent measures applied by the Secretary-General to prevent further deterioration of the Organization's financial position.

9. Accordingly, the Advisory Committee stated in its report (A/8708/Add.25, para. 9) that, in its view, the Fifth Committee should recommend that the General Assembly approve the change of venue to Geneva only if it is completely satisfied that the advantages of holding the session at Geneva are fully commensurate with an expenditure in excess of \$0.5 million. In paragraph 10 of the same report, the Advisory Committee recommended that, should the Assembly confirm the First Committee's decision to hold the meeting at Geneva, summary records should be dispensed with, thus providing a saving in the order of \$100,000. In this way, the additional costs that would arise if the session were held at New York would be limited to \$73,000, and those that would arise if the session were held at Geneva, without summary records, to \$522,200. In paragraph 14 of its report, the Advisory Committee recommended that, depending on the General Assembly's decision on these alternatives, an additional appropriation in the appropriate amount should be made available under section 2 of the budget for 1973.

10. With regard to the estimate of costs in 1974, the Advisory Committee, noting that it was tentative and subject to refinement, indicated that it would consider the estimate in detail when it reviewed the programme and budget estimates for the

biennium 1974/1975. The Advisory Committee, however, drew to the Fifth Committee's attention the First Committee's expressed understanding on how the extra costs related to holding the 1974 session of the Conference at Santiago, Chile, would be calculated, and expressed its surprise that this had been done without the First Committee having discussed what the venue of the Conference would have been had it not been invited by a Member State.

11. In the ensuing debate on the recommendations of the Advisory Committee summarized in paragraph 9 above, a number of representatives participated, the majority of whom could not support those recommendations. With regard to the question of holding one of the sessions of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction at New York and the other at Geneva, it was recalled that this had been the practice in the past, except in 1971, when both sessions were held at Geneva. This practice had been the result of balanced political compromise, which should not now be questioned on the basis of budgetary considerations. In this connexion, it was recalled that the First Committee's decision had been unanimous. With regard to the recommendation that summary records be dispensed with, it was pointed out that the Committee was dealing with matters of great importance, including the preparations for the third United Nations Conference on the Law of the Sea, and the consideration of draft articles for a convention. Summary records, accordingly, were deemed essential not only for members of the Committee, given the delicate legal nature of the work involved, but for all those Member States who were not members of the Committee. One delegation spoke in favour of the recommendations contained in paragraphs 9 and 10 of the Advisory Committee's report, given the financial situation of the Organization. Two other delegations, on the same grounds, expressed their support for the recommendation contained in paragraph 9, but could not support the recommendation that summary records be dispensed with (paragraph 10).

12. Speaking in connexion with the comments of the Advisory Committee in paragraph 13 of its report, regarding the First Committee's understanding on how the extra costs related to holding the 1974 session of the Conference at Santiago, Chile, would be calculated, one delegation stated that there had in fact been a tacit understanding, prior to the receipt of invitations from the Governments of

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Austria and Chile, that the Conference would be held at Geneva. This was borne out by the fact that the first and second Conferences on the Law of the Sea had been held in that city, and there was no reason for assuming that the third Conference would have been held at New York. In that delegation's view, the Fifth Committee, in making its recommendations, should take into account not only strictly budgetary considerations, but also the purposes and aims of a given activity. Additionally, in cases such as the one under consideration, it should give due regard to the interests of developing countries. Several other delegations expressed their support of these views.

13. By 49 votes to 15, with 19 abstentions, the Fifth Committee rejected the Advisory Committee's recommendation contained in paragraph 9 of its report.

14. By 64 votes to 2, with 19 abstentions, the Fifth Committee rejected the Advisory Committee's recommendation contained in paragraph 10 of its report.

15. The recommendations of the Fifth Committee on the administrative and financial implications of draft resolution A are set out in paragraph 25.

II. DRAFT RESOLUTION B

16. Under the terms of draft resolution B, the General Assembly would request the Secretary-General to prepare, on the basis of information at his disposal, a comparative study of the extent and the economic significance, in terms of resources, of the international area that would result from each of the various proposals on limits of national jurisdiction presented so far to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

17. In his statement (A/C.5/1497), the Secretary-General indicated that a provision estimated at \$50,000 would be required to secure the services of high-level experts and the co-operation of various institutions specialized in marine geology, in order to produce a report for the 1973 summer session of the Committee.

18. In its report (A/8708/Add.25, para. 16), the Advisory Committee on Administrative and Budgetary Questions indicated that the Advisory Committee concurred in the Secretary-General's request.

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19. The recommendations of the Fifth Committee on the administrative and financial implications of draft resolution B are set out in paragraph 26 below.

III. DRAFT RESOLUTION C

20. Under the terms of draft resolution C, the General Assembly would request the Secretary-General to prepare, on the basis of the information at his disposal and in connexion with the study to be prepared pursuant to resolution B, a comparative study of the potential economic significance for riparian States, in terms of resources, of each of the various proposals on limits of national jurisdiction presented so far to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

21. In his statement (A/C.5/1499), the Secretary-General indicated that, taking into account the fact that the data necessary for the study envisaged in draft resolution C would be substantially the same as for the study requested in draft resolution B, and that only a complementary computation and analysis would be required, the costs of the study envisaged under draft resolution C were estimated at \$10,000.

22. The Advisory Committee stated in its report (A/8708/Add.25, para. 18) that, in the circumstances, it believed that the Secretary-General should be able to carry out the additional work from within the credits for consultants, totalling \$75,000, requested by him in connexion with draft resolutions A and B, and concurred in by the Advisory Committee.

23. One delegation disagreed with the recommendation of the Advisory Committee. In reply to a question posed by another delegation, the representative of the Secretary-General assured the Committee that the Secretariat would, if the draft resolution were adopted, prepare the comparative study requested therein. Given the relatively small costs involved, the Secretary-General did not challenge the recommendation of the Advisory Committee that the related costs be met from within the credits already recommended.

24. The recommendations of the Fifth Committee on the administrative and financial implications of draft resolution C are set out in section C below (see para. 27).

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IV. RECOMMENDATIONS OF THE FIFTH COMMITTEE

Draft resolution A

25. The Fifth Committee decided, by 57 votes to none, with 23 abstentions, to inform the General Assembly that, should it adopt draft resolution A recommended by the First Committee in its report (A/8949, para. 32), an additional appropriation in the amount of \$622,200 would be required under a new chapter in section 2 of the budget for the financial year 1973.

Draft resolution B

26. The Fifth Committee decided, by 60 votes to none, with 13 abstentions, to inform the General Assembly that, should it adopt draft resolution B recommended by the First Committee in its report (A/8949, para. 32), an additional appropriation in the amount of \$50,000 would be required under the same chapter in section 2 of the budget for the financial year 1973.

Draft resolution C

27. The Fifth Committee decided, by 54 votes to 9, with 8 abstentions, to inform the General Assembly that, should it adopt draft resolution C recommended by the First Committee in its report (A/8949, para. 32), no additional appropriation would be required in the budget for the financial year 1973.
